

REMARKS/ARGUMENTS

Claims 1-26 were pending in this application before the present response. In the Office Action dated October 19, 2007, claims 1-26 stand objected to, due to informalities. Claims 1-3, 5-18, 20-21, and 24 stand rejected under 35 U.S.C. § 101. Claims 1-26 stand rejected under 35 U.S.C. § 103(a).

Claim 22 is canceled without prejudice. Claims 1-4, 9, 15, 20, 21, and 24-26 are amended herein. No new matter is introduced by these amendments. No amendment made is related to the statutory requirements of patentability unless expressly stated herein. No amendment is made for the purpose of narrowing the scope of any claim. Any remarks made herein with respect to a given claim or amendment is intended only in the context of that specific claim or amendment, and should not be applied to other claims, amendments, or aspects of Applicants' invention.

Claims 1-21 and 23-26 are now pending in this application. Applicants respectfully request reconsideration and allowance of all pending claims, in view of the following remarks.

Claim Objections

Claims 1-26 are objected to due to alleged informalities arising from the inclusion of reference numbers in the claims. Reference numbers have been removed from all claims in which they appeared, as required by the Office Action. Applicants respectfully request withdrawal of the objection.

Claim Rejections – 35 U.S.C. § 101

Claims 1-3, 5-18, 20-21, and 24 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicants have amended independent claim 1 to include a feature of original claim 4. Applicants have amended claim 20 to include the subject matter of cancelled claim 22. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejection – 35 U.S.C. § 103

Claims 1-7 and 9-26 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Nakano et al., U.S. Publ. No. 2004/0196981 (hereinafter “Nakano”) in view of Nagel et al., U.S. Pat. No. 7,181,017 B1 (hereinafter “Nagel”). Claim 8 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Nakano in view of Nagel and further in view of Brezak et al., U.S. Publ. No. 2002/0150253 (hereinafter “Brezak”).

Claim 22 has been canceled, rendering the rejection moot with regard to that claim. As to claims 1-21 and 23-26, the Applicants respectfully traverse the rejection.

The differences between independent claims 1 and 20, as amended, and the Nakano and Nagel references, taken either alone or in combination, are nonobvious. As reiterated by the Supreme Court in *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 U.S.P.Q.2d 1385, 1391 (2007), the framework for the objective analysis for determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1 (1966). Thus, the analysis of patentability under 35 U.S.C. § 103 requires consideration of four factors: (i) the scope and content of the prior art, (ii) the differences between the prior art and the claims as a whole, (iii) the level of ordinary skill in the art, and (iv) objective evidence of non-obviousness. *Graham* at 13. Combining elements from different prior art references in hindsight is to be avoided.

Independent claims 1 and 20, as amended, require that “the service ticket has been authenticated using a ticket granting ticket encrypted with a cross-realm key.” The foregoing feature constitutes subject matter from original claim 15 that has been incorporated by amendment into independent claims 1 and 20.

The Office Action at page 8 cites Nakano for the foregoing feature, in the Examiner’s discussion of claim 15. The portion of Nakano that the Office Action cites for this feature is Fig. 14, pages 7-8, paragraphs 111-112, and page 8-9, paragraphs 124-134. However, neither the cited portion nor any other portion of the Nakano reference discloses the feature of “the service ticket has been authenticated using a ticket granting ticket encrypted with a cross-realm key.”

Nakano teaches the use of only one kind of ticket. Nakano teaches an “electronic ticket” that is shown in Fig. 8, and that is described (at paragraph 0101) as having the

following limitations: “[A]s shown in FIG. 8, the electronic ticket is comprised of a ticket ID, an access information ID, and an electronic signature.” Nakano goes on to specifically require certain features in its ticket: “The ticket ID is a unique ID identifying the electronic ticket. The access information ID is an ID indicating access destination information for acquiring content to be distributed with the electronic ticket . . .” (paragraph 0101).

The Examiner appears to equate the “service ticket” of the presently claimed invention to the “electronic ticket” of Nakano. However, Nakano does not disclose an electronic ticket that “has been authenticated using a ticket granting ticket encrypted with a cross-realm key,” as required by independent claims 1 and 20. Nakano does not disclose or teach a “ticket granting ticket,” any use of a “ticket granting ticket,” or any encryption of a “ticket granting ticket.” Nakano teaches only one kind of ticket. The ticket of Nakano is not authenticated by another ticket. The ticket of Nakano does not grant another ticket, and thus cannot be a “ticket granting ticket.”

The present application discloses, at paragraph 0051, that each realm “has a key distribution centre (“KDC”) associated therewith . . .” Nakano nowhere discloses the concept or the use of a “realm,” or of a “cross-realm key.” Rather, at paragraph 0102, Nakano discusses the use of encryption and a “secret key” with respect to the electronic ticket:

The electronic signature is something in which signature object information (in this case, the ticket ID and the access information ID) or a message digest that is the result obtained by processing information with a hash function is encrypted using a secret key of the server that generates the electronic ticket. In the present case, since the electronic ticket is generated by the electronic ticket management server 11, it is encrypted with a secret key K0 of the electronic ticket management server 11.

Thus, Nakano does not disclose the use of a “cross-realm key” for encryption. Instead, Nakano teaches that the electronic ticket of Nakano is generated by a server, and is encrypted with a secret key of the same server.

To make up for the absence of features in Nakano, the Examiner relies on the Nagel and Brezak references. These limitations are also absent in Nagel and Brezak. Since Nagel and Brezak fail to supply a feature missing from Nakano, any combination

of Nakano and Nagel and/or Brezak cannot suggest the invention and cannot render the claims obvious.

Thus, no matter how Nakano, Nagel, and Brezak may be combined (even assuming, *arguendo*, that one of ordinary skill in the art would be led to combine them) the resulting combination is not the invention recited in claims 1 and 20. Furthermore, the combination of the Nakano, Nagel, and Brezak references is not appropriate because a person of ordinary skill in the art would not look to the Nagel or Brezak references given the shortcomings of the Nakano reference.

Even if Nakano were combined with these or other prior art references, Applicant respectfully submits that Nakano **fails to provide a basis** for a rejection under 35 U.S.C. § 103, at least because Nakano **teaches away** from the feature of “the service ticket has been authenticated using a ticket granting ticket encrypted with a cross-realm key,” as recited in independent claims 1 and 20.

“A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant.” *In re Kahn*, 441 F.3d 977, 990 (Fed. Cir. 2006) (quoting *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994)). Rather than “the service ticket has been authenticated using a ticket granting ticket encrypted with a cross-realm key,” Nakano teaches that a single type of ticket is to be used. Nakano teaches the use of an electronic ticket that is not authenticated using another ticket, or using another type of ticket, or using a “ticket granting ticket.” The ticket of Nakano is generated by a server, and is encrypted with a secret key of the same server, not a cross-realm key. Thus, a person of ordinary skill, upon reading the Nakano reference, would be led in a direction divergent from the path that was taken by the Applicants. Therefore, Applicants respectfully submit that Nakano fails to provide a basis for a rejection under 35 U.S.C. § 103. Because Nakano is an **improper basis** for rejecting Applicant’s claims, the combination of Nakano with Nagel or Brezak, or with any other prior art references, is also an improper basis for rejecting Applicants’ claims.

For at least the aforementioned reasons, independent claims 1 and 20 are patentable over the Nakano and Nagel references, either taken alone or in combination.

Accordingly, the Examiner should withdraw the § 103 obviousness rejection as to independent claims 1 and 20.

Claims 2-19 depend from independent claim 1. Claims 21 and 22-26 depend from independent claim 20. For the reasons previously stated, independent claims 1 and 20 are allowable. Since any claim that depends from an allowable independent claim is also allowable, the Applicants respectfully submit that the Examiner should also withdraw this rejection as to dependent claims 2-19, 21, and 22-26.

Conclusion

In view of the foregoing discussion, the Applicants believe that claims 1-21 and 23-26 are allowable over the cited art. The Applicants respectfully submit that all pending claims are in full condition for allowance, and earnestly request that the Examiner withdraw all objections and rejections of the claims and enter a Notice of Allowance at the earliest date possible.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

Respectfully submitted,
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